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THOMAS, JASON M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,144

Applicant(s)

DUDKIEWICZ ET AL.

Examiner

Jason Thomas

Art Unit

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed September 11, 2008 have been fully considered but they are not persuasive.

Applicant suggests that neither the admitted prior or the Potrebic reference teach or suggest, "a device that presents a user interface that displays characteristics in the metadata of a currently viewed program or segment" or "updating viewer preferences in accordance with user selections with respect to the displayed characteristics" however in applicant's original claims, claim 2 is drawn to a device capable to perform processing wherein, "in response to a command, presenting a user interface that displays characteristics [of a currently viewed program or segment] represented in the metadata of a program or segment." This function, of displaying the characteristics of a currently viewed program, which is performed by said device, is not restricted, as applicant suggests, to "updating user preferences during or in connection with" (see [pg. 7, para. 1]) "using (viewing) [a] grid" (see [pg. 7, ll. 1-2]). For this reason, the teaching of an "interactive feature...typically displayed over the image of the program currently being viewed... [including] information about the program including the name...[etc.]" (see [9]) of the admitted prior art does in fact teach the ability of a device to, "in response to a command, presenting a user interface

that displays characteristics [of a currently viewed program] represented in the metadata of a program or segment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (hereinafter APA), in view of Potrebic, U.S. Patent No. 6,798,971 B2 (hereinafter Potrebic).

Regarding claims 1 and 5: Applicant discloses a method realized through a programmable device comprising a computer readable medium storing programming code for controlling the device to perform processing (see [5] for digital video receiver devices with data processing and storage capabilities) comprising:

storing program metadata that includes timing and descriptive data for television programs (see [fig. 3], [6], [10]);

in response to a command, presenting a user interface that displays characteristics represented in the metadata of a program or segment (see [figs. 1

& 2], [5], [6] for an IPG able to receive commands from the user which displays program information);

receiving user selections with respect to the displayed characteristics (see [7] for receiving user selections);

updating viewer preferences in accordance with the user selections (see [7] for updating viewing preferences); and

wherein the program or segment for which characteristics are displayed is a currently viewed program or segment (see [9]).

While applicant's admitted prior art teaches all of the aforementioned elements with respect to its application to programs, the admitted prior art does not explicitly teach applying said elements to segments.

Potrebic teaches dividing programs into segments to enable viewers to access program segments quickly and easily in the same manner as a viewer would interact with a program (see [fig. 7], [abstract], [column 2 lines 24-37], [column 6 lines 20-27], [column 7 lines 46-52], [column 13 lines 26-41] where the data is equivalent to metadata in that it is a computer-readable data which contains information regarding the segment).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use segments, as taught in Potrebic, in the same or similar manner as programs, as taught in applicant's admitted prior art, because programs are made up of segments (i.e. program segments) and providing metadata for segments allows a viewer to quickly and easily view a segment of

interest and the related data for that segment (see Potrebic [column 2 lines 35-37])).

Regarding claim 2: The combined teachings of APA, in view of Potrebic, teach wherein the program or segment for which characteristics are displayed is a currently viewed program (see APA [9] for displaying an interactive program banner over the image of the viewed program).

Regarding claim 3 The combined teachings of APA, in view of Potrebic, teach wherein the program or segment for which characteristics are displayed is a currently viewed segment (see APA [9] for displaying an interactive program banner over the image of the viewed program which inherently includes all program segments).

Regarding claim 4: The combined teachings of APA, in view of Potrebic, teach wherein the characteristics comprise at least one of categories and key words (see APA [8], [10] where a program genre is synonymous with a category and it is disclosed that program genre and keywords are stored as characteristics).

Regarding claim 6: APA discloses a method in a programmable device, comprising:

storing program metadata that includes timing and descriptive data for television programs (see [fig. 3], [6], [10]);

and in response to a command, updating viewer preferences stored by the device in accordance with program characteristics represented in the program

metadata of a currently viewed program (see [7], [9] for updating viewing preferences in response to a command and being capable of doing so for a currently viewed program).

While applicant's admitted prior art teaches all of the aforementioned elements with respect to its application to programs, the admitted prior art does not explicitly teach applying said elements to segments.

Potrebic teaches dividing programs into segments to enable viewers to access program segments quickly and easily in the same manner as a viewer would interact with a program (see [fig. 7], [abstract], [column 2 lines 24-37], [column 6 lines 20-27], [column 7 lines 46-52], [column 13 lines 26-41] where the data is equivalent to metadata in that it is a computer-readable data which contains information regarding the segment).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use segments, as taught in Potrebic, in the same or similar manner as programs, as taught in applicant's admitted prior art, because programs are made up of segments (i.e. program segments) and providing metadata for segments allows a viewer to quickly and easily view a segment of interest and the related data for that segment (see Potrebic [column 2 lines 35-37]).

Regarding claims 7 and 11: APA discloses a method realized through a programmable device comprising a computer readable medium storing programming code for controlling the device to perform processing (see [5] for

digital video receiver devices with data processing and storage capabilities) comprising:

storing program metadata that includes timing and descriptive data for programs (see [fig. 3], [6], [10]);

in response to a command, presenting a user interface that displays characteristics represented in the metadata of a program or segment (see [figs. 1 & 2], [5], [6] for an IPG able to receive commands from the user which displays program information);

receiving user selections with respect to the displayed characteristics (see [7] for receiving user selections);

updating viewer preferences in accordance with the user selections (see [7] for updating viewing preferences);

identifying and displaying to the user additional programs having characteristics in common with the selected characteristics (see [8] for a guide which can be filtered to identify and display programs having selected characteristics), and

wherein the program or segment for which characteristics are displayed is a currently viewed program or segment (see [9]).

While applicant's admitted prior art teaches all of the aforementioned elements with respect to its application to programs, the admitted prior art does not explicitly teach applying said elements to segments.

Potrebic teaches dividing programs into segments to enable viewers to access program segments quickly and easily in the same manner as a viewer would interact with a program (see [fig. 7], [abstract], [column 2 lines 24-37], [column 6 lines 20-27], [column 7 lines 46-52], [column 13 lines 26-41] where the data is equivalent to metadata in that it is a computer-readable data which contains information regarding the segment).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use segments, as taught in Potrebic, in the same or similar manner as programs, as taught in applicant's admitted prior art, because programs are made up of segments (i.e. program segments) and providing metadata for segments allows a viewer to quickly and easily view a segment of interest and the related data for that segment (see Potrebic [column 2 lines 35-37]).

Regarding claim 8: The combined teachings of APA, in view of Potrebic, teach wherein the program or segment for which characteristics are displayed is a currently viewed program (see APA [9] for displaying an interactive program banner over the image of the viewed program).

Regarding claim 9: The combined teachings of APA, in view of Potrebic, teach wherein the program or segment for which characteristics are displayed is a currently viewed segment (see APA [9] for displaying an interactive program banner over the image of the viewed program which inherently includes all program segments).

Regarding claim 10: The combined teachings of APA, in view of Potrebic, teach wherein the characteristics comprise at least one of categories and key words (see APA [8], [10] where a program genre is synonymous with a category and it is disclosed that program genre and keywords are stored as characteristics).

Regarding claim 12: APA discloses a method in a programmable device, comprising:

storing program metadata that includes timing and descriptive data for television programs (see [fig. 3], [6], [10]);

in response to a command, identifying and displaying to the user additional programs having characteristics in common with characteristics represented in the metadata of a currently viewed program segment (i.e. a segment is an inherent part of a program) (see [8] for a guide which can be filtered to identify and display programs having selected characteristics; see also [9] where information regarding the currently viewed program can be accessed as well).

While applicant's admitted prior art teaches all of the aforementioned elements with respect to its application to programs, the admitted prior art does not explicitly teach applying said elements to segments.

Potrebic teaches dividing programs into segments to enable viewers to access program segments quickly and easily in the same manner as a viewer would interact with a program (see [fig. 7], [abstract], [column 2 lines 24-37],

[column 6 lines 20-27], [column 7 lines 46-52], [column 13 lines 26-41] where the data is equivalent to metadata in that it is a computer-readable data which contains information regarding the segment).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use segments, as taught in Potrebic, in the same or similar manner as programs, as taught in applicant's admitted prior art, because programs are made up of segments (i.e. program segments) and providing metadata for segments allows a viewer to quickly and easily view a segment of interest and the related data for that segment (see Potrebic [column 2 lines 35-37]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423